

AMENDED

ASSIGNED

Serial No. 55496

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

NEW PRIORITY DATE:

Date of filing in State Engineer's Office. DEC 3 1990 MAR 23 2007

Returned to applicant for correction. FEB 7 1991

Corrected application filed. FEB 20 1991 Map filed. FEB 20 1991 under 55495

The applicant USMX, Inc.

P.O. Box 809

of Ely

Street and No. or P.O. Box No.

City or Town

Nevada 89301

State and Zip Code No.

hereby make^s application for permission to change the

point of diversion of a portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit No. 35965

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is. Underground Well No. P2
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 1.5 cfs (in combination with Well Nos. P1 & P3)
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for. mining, milling and domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for. mining, milling and domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point. in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T.22 N., R.57 E.,
Describe as being within a 40-acre subdivision of public survey and by course and
M.D.B.&M., whence the Northwest Corner of Section 2, T.22 N., R.57 E., M.D.B.&M.,
distance to a section corner. If on unsurveyed land, it should be stated.
bears N.10°25'59"W., 28,342.22 feet distant.
6. The existing permitted point of diversion is located within. the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T.22 N.,
If point of diversion is not changed, do not answer.
R.58 E., M.D.B.&M., whence the Southwest Corner of Section 36, T.23 N., R.57 E.,
M.D.B.&M., bears N.26°0'W., 34,520.00 feet distant.
7. Proposed place of use.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use. Sections 22 through 27 and 34 through 36, T.22 N., R.57 E.,
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
M.D.B. & M.,
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from. January 1st to December 31st of each year.
Month and Day Month and Day
10. Use was permitted from. January 1st to December 31st of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) The water will be pumped from a well into
State manner in which water is to be diverted, i.e. diversion structure,
storage tanks and then distributed
throughout the proposed place of use either by pipelines or by hauling by truck.
ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works. \$50,000.00
13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use..... 5 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This application will be used in conjunction with Well Nos. P1 & P3 for mining and milling purposes at an estimated consumptive use of 3.0 cfs, 24 hours per day, 365 days per year for an annual use of 708 million gallons.

By s/ Richard W. Forman
Richard W. Forman Agent
P.O. Box 150
Ely, Nevada 89301

Compared..... am/ jm am/se

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 35965 is issued subject to the terms and conditions imposed in said Permit 35965 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 55495, 55496 and 55497 shall not exceed 708 million gallons annually.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 1.5 cubic feet per second, but not to exceed 354 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... January 11, 1992

Proof of completion of work shall be filed before..... February 11, 1992

Application of water to beneficial use shall be made on or before..... January 11, 1993

Proof of the application of water to beneficial use shall be filed on or before..... February 11, 1993

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed..... MAR - 7 1995

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No..... Issued.....

CANCELLED MAR 30 2007 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

Tony Taylor P.E. STATE ENGINEER
Can Rescinded 7-19-2007

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 16th day of December

A.D. 19 91

[Signature]
State Engineer

(PERMIT TERMS CONTINUED)

permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from each well and the amount of water used.

Within 30 days of the issuance of Permits 55496 and 55497, the well drilled under Permit 35965 shall be plugged in accordance with the Nevada Well Drilling Regulations.